ADDRESSING PROBLEM PROPERTIES:

Legal and Policy Tools for a Safer Rundberg

The Entrepreneurship and Community Development Clinic
The University of Texas School of Law

Presented by:
Lia Powers
Stephanie Trinh
Melissa Wyatt
Professor Heather Way, JD
Agenda

1. Background: Rundberg
2. Case Studies: Ms. Leal, Wood Ridge, Budget Lodge
3. Tools
   • Proactive Tools
     - Community Policing
     - Community Prosecutors
     - Rental Registration
   • Enforcement Tools
     - Code Enforcement
     - Nuisance Abatement
4. Conclusion
5. Questions and Feedback
Problem Properties

Research

- Interviews with: Austin Code Compliance, Rundberg community members and volunteers, Austin Police Department, Dallas Community Prosecutors, Dallas City Attorneys, Irving and Waco City Attorneys, Habitat for Humanity, ACT, Houston Multi-Family Inspection Program, Austin Apartment Association, Austin City Council, Austin City Attorney’s Office
- Dallas, Houston, San Antonio, Waco, Irving
- Internet and Publications
- Center for Community Progress
Problem Properties

What we found

• The City of Austin does not prioritize addressing problem properties compared to several other major Texas cities
• Lack of adequate resources dedicated to addressing problem properties
• Lack of enforcement infrastructure
The Rundberg Community

CHALLENGES

- High Crime Rates
  - Hotel and Motel Problems
  - Drugs, Gangs, Prostitution
- Disempowered tenants who feel unable to effect change
- Dangerous Properties
  - Absentee landlords who ignore code violations and crime on the property
- Threatened loss of affordable housing stock
The Rundberg Community

STRENGTHS

• Affordable Housing
• Active and Organized Neighborhood Associations
• Long-term, Dedicated Residents
• Schools
• Diverse Community
Sam Rayburn

• Mrs. Maria Leal, 63-year-old disabled resident, lived with her daughter-in-law and grandson on Sam Rayburn
• Complained to property manager repeatedly about leaky roof, roaches, etc. Manager told her it would be taken care of.
• Around March 7, 2013 – Her roof caved in; ruining her possessions
  - Fire Department was notified and shut off electricity because of exposed electric cables
• March 14, 2013 – Code Compliance was notified, but could not enter premises
• March 18, 2013 – Code Compliance met with property manager and issued property owner a “Warning for Substandard Conditions.”
• With the help of nonprofit organizations, Mrs. Leal moved next door.
Wood Ridge Apartments
Wood Ridge Apartments

- May 17, 2012 - Balcony collapsed
- June 4, 2012 - Building and Standards Commission ordered repairs to be made within 75 days
- August 17, 2012 - Civil penalties began to accrue at $15,000 a week
- March 27, 2013 - Repairs finally began. Civil Penalties at $465,000
- Owner refuses to pay civil penalties
Budget Lodge

- Located on I-35 and Rundberg
- Habitual criminal activity
  - In a ten-month period:
    - 463 incidents necessitating City of Austin emergency services
    - 103 police reports
- 2007: Community organizing, protests, media, public shaming
- 2008: City Attorney's office filed suit
- 2009: Case settled with a list of 20 action items to prevent crime
How Can We Prevent These Issues?

- Education of tenants' rights and landlords' duties
- Better city support for community concerns
- Proactive property inspections to ensure proper maintenance
- Willingness and capacity to strongly enforce the law against delinquent property owners with egregious violations
Policy Recommendations

Collaboration
• Residents, code, police, city attorney, business owners, community organizations

Comprehensive Enforcement
• Enforcement and compliance at every step, not just when it's too late
We recommend the following tools to improve conditions in the Rundberg Area:

- Community Policing
- Community Prosecutors
- Rental Registration
- Code Enforcement
- Nuisance Abatement

**Proactive Tools**

**Enforcement Tools**
Community Policing

Tools

- Community Policing
- Community Prosecutors
- Rental Registration
- Code Enforcement
- Nuisance Abatement
Community Policing

- Collaborative
- Proactive
- Problem-Solving
- Community-Specific
- Multidisciplinary
Community Policing

1. Neighborhood Engagement Meetings
   - Neighborhood Watch Program & Neighborhood Watch Liaison Officer and Dallas Volunteer Patrol Plan
   - Citizen's Advisory Board (CAB)
   - Neighborhood Strategic Plan
Community Policing

2. Community Education in Crime Reduction
   - Citizen's Police Academy
   - City Resource Educational Events
   - Education for Business Owners, including
     - Rental Property Landlords
     - Hotel and Motel Owners
3. Coordinate Crime Reduction Efforts
   • Partner with a Variety of City Departments, Neighborhood Organizations, Businesses and Area Landlords, Motel Owners and Individual Residents.
   • Best Practices:
     - Business Watch Program
     - Community Prosecutor Program
Community Prosecutors

- Community Policing
- Community Prosecutors
- Rental Registration
- Code Enforcement
- Nuisance Abatement
Community Prosecutors

Defined: Community “Problem Solvers”

Roles:
• Know the Neighborhood – culture, problems, key players
• Work with police, code, community members and business owners to solve crime and code problems
• Able to utilize proactive tools and enforcement tools

Assigned a team of code inspectors

Best Practices: Dallas
Tools

Rental Property Registration

- Community Policing
- Community Prosecutors
- Rental Registration
- Code Enforcement
- Nuisance Abatement
Rental Property Registration

Defined

Advantages

• Easier to identify and target dangerous and substandard properties
• Gives inspectors the authority to enter properties
• Easier to identify problem property owners
Currently in Austin
- Short-term rental registration ordinance
- NO long-term rental registration
- Complaint-based system for inspections

Other Texas cities with Rental Registration include:
- Dallas
- Houston
- Fort Worth
Best Practices and Ideal Features
- Good Landlord Incentives
- Inspector Qualifications
- Triggers for Inspections
- Crime Element
- Educational Element
Rental Property Registration

Recommended
- Self-funding ordinance
- Required registration and education (landlords/tenants) for all rental properties
- Embedded incentives for good landlords
- Crime rating attached to rental properties
- Rotational inspections every 3 years for all rental properties
Code Enforcement

- Community Policing
- Community Prosecutors
- Rental Registration
- Code Enforcement
- Nuisance Abatement
Currently

- Voluntary compliance policy
- Notify property owners
- Class C misdemeanor citation
- Building and Standards Commission
Code Enforcement

Problems

• Citations can be paid without compliance
• Some landlords are not deterred by tickets or the Building and Standards Commission
• Inadequate infrastructure for enforcement
Recommended

- Dedicated City Attorney team to address problem properties
- Chapter 54 lawsuits
- Administrative hearings
- Use in conjunction with Community Prosecutors & Rental Registration

Best Practices: Dallas

- Dedicated problem property team in City Attorney’s Office
- 3-5 Chapter 54 lawsuits a year
- Deterrent effect
Case Study: Wood Ridge Apartments

- Property owner would be aware of duties
- Tenants would be aware of rights
- Proactive inspections
- Less likely to have deferred maintenance
- Court order from a judge to make repairs
- Noncompliance = court-ordered fines or imprisonment
Tools

Nuisance Abatement

- Community Policing
- Community Prosecutors
- Rental Registration
- Code Enforcement
- Nuisance Abatement
Chapter 125, Texas Civil Remedy and Practices Code
  • Abate properties of habitual criminal activity
  • Can be brought by the City or individuals

Austin Police Department
  • At least 3 abatable offenses in a 12-month period
  • Voluntary compliance policy
  • Meeting with property owner
  • Noncompliant cases sent to City Attorney’s Office
Nuisance Abatement

Currently

- One detective
- About 60 cases
- 3 cases sent to City Attorney’s Office—no lawsuits filed
Nuisance Abatement

Budget Lodge
- It got *better*, but...
- It should not take 463 public safety incidents and so much community effort
- Other hotels/motels remain a problem
Nuisance Abatement

Recommended

• Collaborative effort between APD, Code, and City Attorney's Office
• More resources and personnel allocated to Nuisance Abatement Unit
• Community Prosecutors: write letters, meet with property owners
• City Attorney enforcement: Chapter 125 lawsuits
Nuisance Abatement

Hotel/Motel Recommendations

• Ordinance: require IDs, remove pay phones, sufficient lighting, guest logs, “No Loitering” signs, prohibit renting rooms by the hour
• Enforcement of Hotel Occupancy Tax; use tax revenue to fund public safety improvements in area
• Community Prosecutors
Conclusion

Policy Recommendations
- Collaboration
- Comprehensive Enforcement

Recommended Tools
- Community Policing
- Community Prosecutors
- Rental Registration
- Code Enforcement
- Nuisance Abatement
Conclusion

Questions, Comments, Suggestions?

Report scheduled to be released by Summer 2013